

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19995 of 2015

and

M.P.No.1 of 2015

M.Gunasekar,
Rep. by his mother/natural Guardian
Kasivisalathchi ... Petitioner

Versus

- 1 The Director of Government
Examinations DPI Campus College Road
Chennai-600 006.
- 2 The Secretary
Selection Committee Directorate of Medical
Education Kilpauk Chennai-600 010.
- 3 The Medical Council of India
Rep. by its Director Pocket 8 Dwarka New
Delhi-110 077. ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to rectify the error committed in valuing the answer book of the petitioner M.Gunasekar (Regn.No.848636) in subject of Bio-Botany paper with Code No.009 in respect of question Nos.26 20 21 as well as striking off question No.24 as excess and to award marks for the same to the petitioner and to enable the petitioner to secure admission in MBBS course through 2nd respondent Selection Committee.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.P.Rajalakshmi (for R1 & R2)
Government Advocate

Mr.V.P.Raman (For R3)
Standing counsel

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The deponent of the affidavit is the mother and natural guardian of the petitioner and he has written the higher secondary examination during March 2015 and intends to apply for admission to MBBS / BDS Course. The results were declared and he has secured the following marks.

Tamil	- 169
English	- 184
Physics	- 190
Chemistry	- 185
Biology	- 189
Maths	- <u>199</u>
Total	- 1116 / 1200

3. The petitioner was shocked to know that he was awarded 189 marks out of 200 marks in Biology subject, which includes Bio-Botony and Bio-Zoology and whereas he is entitled to eight more marks in the said subject as per the answers given by him. The petitioner applied for scanned copy of the answer sheets and upon perusal noticed a serious discrepancy in valuation of answer paper pertaining to Question Nos.20, 21, 24 and 26 and therefore, came forward to file this writ petition.

4. Mr.G.Sankaran, learned counsel appearing for the petitioner has drawn the attention of this Court to the answers given by the petitioner in respect of the above said questions as well the key answer and would submit that in respect of Question Nos.24 and 26, the petitioner has written the answers correctly and therefore, he is entitled to get full marks and in so far as question No.20 and 21, he is entitled to get more marks than the marks awarded during valuation and hence, prays for appropriate orders.

5. The Court heard the submissions of Mrs.P.Rajalakshmi, learned Government Advocate, who accepted notice on behalf of respondents 1 and 2 and Mr.V.P.Raman, learned standing counsel appearing for the 3rd respondent.

6. The learned Government Advocate appearing for the respondents 1 and 2 would submit that in respect of Question Nos.20, 21, 24 and 26, the following marks are awarded during revaluation.

Question No.20	- 1 Mark
Question No.21	- ½ Mark
Question No.24	- 3 Marks
Question No.26	- 3 Marks

7. The learned Government Advocate would further contend that in respect of Question No.35 of Bio-Botany subject, the mark secured by the petitioner is reduced by 1 mark and in respect of Bio-Zoology, the petitioner is entitled to 7 ½ additional marks, after revaluation and necessary instructions have been given to the concerned authorities to provide a temporary marklist so as to enable the petitioner to work out its further remedy.

8. In the light of the above facts and circumstances, the writ petition is disposed of and the 1st respondent is directed to issue a temporary marklist forthwith, by adding additional marks in respect of Biology subject and the 2nd respondent shall take into consideration of the same and take appropriate steps with regard to the claim made by the petitioner for admission to MBBS / BDS Course for the Academic Year 2015-16. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

- 1 The Director of Government Examinations DPI Campus College Road Chennai-600 006.
- 2 The Secretary Selection Committee Directorate of Medical Education Kilpauk Chennai-600 010.
- 3 The Director, Medical Council of India Pocket 8 Dwarka New Delhi-110 077.

1 cc to Mr..G.Sankaran , Advocate Sr.No.34913

ggk(co)
pmk.10.7.2015

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